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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|--|-------------|-------------------------|-----------------------------|------------------|
| 10/676,356   | 10/01/2003  | Roger D. Buck           | WK/2003-06/US               | 7148             |
| 7590<br>WARD KRAFT, INC.<br>P.O. BOX 938<br>FORT SCOTT, KS 66701 | 06/08/2007  |                         | EXAMINER<br>TALBOT, MICHAEL |                  |
|  |             | ART UNIT<br>3722        | PAPER NUMBER                |                  |
|  |             | MAIL DATE<br>06/08/2007 | DELIVERY MODE<br>PAPER      |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                         |
|------------------------------|--------------------------------------|-------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b>               | <b>Applicant(s)</b>     |
|                              | 10/676,356                           | BUCK ET AL.             |
|                              | <b>Examiner</b><br>Michael W. Talbot | <b>Art Unit</b><br>3722 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 September 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 3-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 3-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION*****Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the (1) said recordation layer have a "third dimension" recited in claim 1, page 3, line 8, and (2) said recordation layer is provided with "an indicia transfer means" recited in claim 1, page 3, lines 9-10 must be shown/indexed or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "32" and "34" has been used to designate both "first and second plies of the second collection layer 30" and "first and second longitudinally extending sides of the second collection layer 30" as described on pages 10-11, paragraphs [0045] through [0046].

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

Refer to page 15, paragraph [0070], line 5, the character reference "lines of weakness 72, 74 and 67" should be changed so as to read --lines of weakness 72, 74 and 76--.

Refer to page 15, paragraph [0070], line 10, the character reference "recordation ply 60" should be changed so as to read --recordation ply 54--.

Refer to page 16, paragraph [0072], line 7, the character reference "recordation ply 60" should be changed so as to read --recordation ply 54--.

Refer to page 16, paragraph [0074], line 6, the character reference "recordation ply 60" should be changed so as to read --recordation ply 54--.

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Appropriate correction is required.

***Claim Objections***

4. Claim 1 is objected to because of the following informalities:

Claim 1, page 3, line 8, the phrase "said recordation layer have a third dimension" should be changed so as to read --said recordation layer having a third dimension--.

Claim 1, page 3, line 8, a semicolon " ; " should be inserted between phrases "and said collection layer" and "said recordation layer" so as to read --and said collection layer, said recordation layer--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 3-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear as to the specific element, its location and its functionality relative to the "transfer means" recited in claims 1 and 3 since the submitted drawings do not show/index the "transfer means". Furthermore, the specification does not describe the "transfer means" within the claimed invention, only describes it in general terms within the background of the invention (see page 8, paragraph [0034]).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1,3,7-9,11,12,16,19,20,24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makowka (4,733,817) in view of Kraft et al. (5,393,264). Makowka discloses in Fig. 1A-4 and in Attachment I, a business form assembly, a business form intermediate, and sample collection assembly comprising a first carrier layer (104) of a first dimension having a first ply (106A) and a second ply (110A); wherein the plies have a first and second longitudinally extending side edges (104A and 104B, as seen in Fig. 1C of Attachment I) and first and second transversely extending edges (104C and 104D, as seen in Fig. 1C of Attachment I); wherein the plies are secured to one another along the transversely extending end edges (104C and 104D, as seen in Fig. 1C of Attachment I) and secured along one of first and second longitudinally side edge (104A, as seen in Fig. 1C of Attachment I) to create an access opening (111A, as seen in Fig. 1C of Attachment I); wherein each of the first and second plies having a length and a width, wherein the length and width of one ply is longer and wider than the other ply (see Fig. 1B), wherein the ply with the longer width forms a flap (116A) for securing;

a second collection layer (102) comprising a first (106B) and second ply (110B); wherein the plies have a first and second longitudinally extending side edges (102A and 102B) and first and second transversely extending edges (102C and 102D); wherein the plies are secured to one another along the transversely extending end edges (102C and 102D) and secured along one of first and second longitudinally side edge (102A) to create an access opening (111B, as seen in Fig. 1C of Attachment I); wherein each of the fist and second plies having a length and a width, wherein the length and width of one ply is longer and wider than the other ply (see Fig. 1B); wherein the ply with the longer width forms a flap (116B) for securing;

wherein the collection layer having a different and larger dimension from the carrier layer and a recordation layer; wherein the closure flaps for both the carrier and collecting layer having two lines of weakness (114A and 114B), and two sealing closures (120A and 120B);

a plurality of recordation layers (118 or 218) having first and second transversely extending end edges (118A and 118B) and first and second longitudinally extending side edges (118C and 118D) and having a third dimension distinct from the carrier layer and collection layer (see Fig. 1A); wherein each of the carrier layer, collecting layer and recordation layer are connected along the longitudinal extending edges (118A, 104B, 102B); wherein each of the layers have at least one transversely extending edges substantially aligned with one another; wherein the collection layer is suitable for receiving material items; and wherein the collection layer can include an inner envelope (which consist of an additional film layer as stated in col. 3, lines 22-37, and extra films for padding col. 3, lines 38-46).

Makowka lacks the recordation layer being provided with an indicia transfer means including a carbonless coating. Kraft et al. shows in Fig. 7 an indicia transfer means (72) including carbonless back and front coatings (74,76) such that a stylus may be used to impact the cover sheet (70) and cause the image imprinted thereon to be simultaneously transferred to the web (14). In view of this teaching of Kraft et al., it would have been obvious to one of ordinary skill in the art to modify the business form assembly of Makowka to include a carbonless coating indicia transfer means as taught by Kraft et al. to permit inscriptions on the cover sheet to be transferred to a lower ply member.

9. Claims 10,13-15,18,21,23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makowka in view of Kraft et al. Makowka in view of Kraft et al. discloses a business form assembly, business form intermediate, and sample collection assembly comprising all the elements as claimed in claims 1,19,20,24 and 25, and as set forth above.

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However, Makowka in view of Kraft et al. does not disclose wherein the access opening of the collection layer is disposed at a location opposite or 180 degrees from the access opening of the carrier layer; wherein the inner envelope has a barrier layer, or constructed of a static or charge free material, or metalized film layer; or has properties selected from a group including moisture, vapor, gas, light and combination thereof.

In regards to claims 10,18 and 23, it would have been obvious to place the access openings at any desired location on the layer portions of the assemblies, since it has been held that rearranging parts of an invention involves only routine skill in the art. Therefore, it would have been obvious to place the access opening of the layer portions at any desired location since applicant has not disclosed the criticality of having the access opening at a particular location, and would function equally as well at any location.

In regards to claims 13-15,21 and 26, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the inner sleeve, envelope or coating of any desirable material suitable for securing an item, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Therefore, it would have been obvious to construct the envelope, sleeve, or coating of the pocket with any desired material, since applicant has not disclosed in the specification or drawings the criticality of using a particular material, and invention would function equally as well with any desired material.

10. Claims 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makowka in view of Kraft et al., further in view of Harmanoglu (6,619,843). Makowka in view of Kraft et al. discloses a business form assembly, business form intermediate, and sample collection assembly comprising all the elements as claimed in claims 19 and 24, and as set forth above. Makowka in view of Kraft et al. further discloses wherein the recordation layer (218) can

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be a plurality of layers (see Fig. 4). However, Makowka in view of Kraft et al. does not disclose wherein the intermediate is provided with a plurality of removable labels.

Harmanoglu discloses wherein a label can be placed on the recordation layer. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the intermediate and sample collection assemblies of Makowka in view of Kraft et al. with a label as taught by Harmanoglu for providing an alternative means in which to list pocket contents.

11. Claims 1,3,4,19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harmanoglu (6,619,843) in view of Kraft et al. (5,393,264). Harmanoglu discloses in Fig. 1 and in Attachment II, a business form assembly, a business form intermediate, and sample collection assembly comprising a first carrier layer (26) of a first dimension having a first ply (12A) and a second ply (16A); wherein the plies have a first and second longitudinally extending side edges (26A and 26B, as seen in Fig. 1 of Attachment II) and first and second transversely extending edges (26C and 26D, as seen in Fig. 1 of Attachment II); wherein the plies are secured to one another along the transversely extending end edges (26C and 26D, as seen in Fig. 1 of Attachment II) and secured along one of first and second longitudinally side edge (26A, as seen in Fig. 1 of Attachment II) to create an access opening (22); wherein each of the first and second plies having a length and a width, wherein the length and width of one ply is longer and wider than the other ply (see Fig. 1); wherein the ply with the longer width forms a flap (28R) for securing;

a second collection layer (24) comprised of first (12B) and second ply (16B); wherein the plies have a first and second longitudinally extending side edges (24A and 24B, as seen in Fig. 1 of Attachment II) and first and second transversely extending edges (24C and 24D, as seen in Fig. 1 of Attachment II); wherein the plies are secured to one another along the transversely

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extending end edges (24C and 24D, as seen in Fig. 1 of Attachment II) and secured along one of first and second longitudinally side edge (24A, as seen in Fig. 1 of Attachment II) to create an access opening (20); wherein each of the fist and second plies having a length and a width, wherein the length and width of one ply is longer and wider than the other ply (see Fig. 1); wherein the ply with the longer width forms a flap (28L) for securing;

wherein the collection layer having a different and larger dimension from the carrier layer and a recordation layer; wherein the closure flaps for both the carrier and collecting layer having two lines of weakness (fold line to fold flap as seen in Fig. 3), and two sealing closures (50R and 50L);

a recordation layer (28) having first and second transversely extending end edges (28A and 28B) and first and second longitudinally extending side edges (28C and 28D) and having a third dimension distinct from the carrier layer and collection layer (see Fig 1); wherein each of the carrier layer, collecting layer and recordation layer are connected along the longitudinal extending edges (28A, 26B, 24B); wherein each of the layer have at least one transversely extending edges substantially aligned with one another; wherein the collection layer is suitable for receiving material items; removable label having first part (44A) and second part (44B).

Harmanoglu lacks the recordation layer being provided with an indicia transfer means including a carbonless coating. Kraft et al. shows in Fig. 7 an indicia transfer means (72) including carbonless back and front coatings (74,76) such that a stylus may be used to impact the cover sheet (70) and cause the image imprinted thereon to be simultaneously transferred to the web (14). In view of this teaching of Kraft et al., it would have been obvious to one or ordinary skill in the art to modify the business form assembly of Harmanoglu to include a carbonless coating indicia transfer means as taught by Kraft et al. to permit inscriptions on the cover sheet to be transferred to a lower ply member.

12. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harmanoglu in view of Kraft et al., further in view of Price et al. (4,939,674). Harmanoglu in view of Kraft et al. discloses a business form assembly comprising all the elements as recited in claims 1 and 4, and as set forth above. However, Harmanoglu in view of Kraft et al. does not disclose wherein one of the first and second parts of the label contains machine readable and human readable indicia.

Price et al. discloses in Figs. 4-8, a label having a human readable indicia part (602, 702, 802) and a machine-readable indicia part (601,701,801). In regards to claim 6, Fig. 8 depicts a first part (interior part) having both machine and human readable indicia. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the business form assembly of Harmanoglu in view of Kraft et al. with a label having machine and human readable indicia as taught by Price et al. for providing a means in which a label can be read by a human and also read by a sensor.

13. Claims 17 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harmanoglu in view of Kraft et al., further in view of Smith et al. (6,281,795). Harmanoglu in view of Kraft et al. discloses a business form assembly comprising all the elements as recited in claim 1 and 24, and as set forth above. However, Harmanoglu in view of Kraft et al. does not disclose wherein the assembly has one or more radio frequency ID tags.

Smith et al. discloses in Figs. 1,2 and 4, a label (10) comprising a radio frequency ID tag (16). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the business form and sample collection assemblies of Harmanoglu in view of Kraft et al. with a label having a radio frequency ID tag as taught by Smith et al. for tracking purposes.

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***Allowable Subject Matter***

14. The indicated allowability of claims 2 and 3 is withdrawn in view of the reference to Kraft et al. (5,393,264) previously cited in Applicant's PTO-1449 filed 02 August 2004. Rejections based on the cited reference are as described above.

***Response to Arguments***

15. Applicant's arguments with respect to claims 1 and 3-28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

16. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

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would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MWT  
Examiner  
31 May 2007

*Monica S. Carter*  
MONICA CARTER  
SUPERVISORY PATENT EXAMINER

ATTACHMENT I

U.S. Patent Mar. 29, 1988

Sheet 1 of 2

4,733,817

FIG. IA.

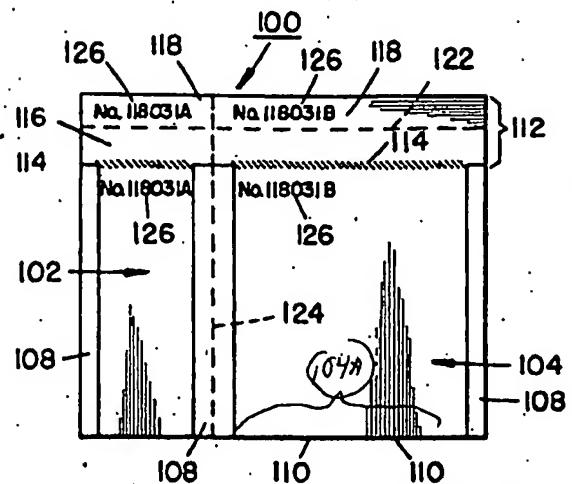


FIG. IB.

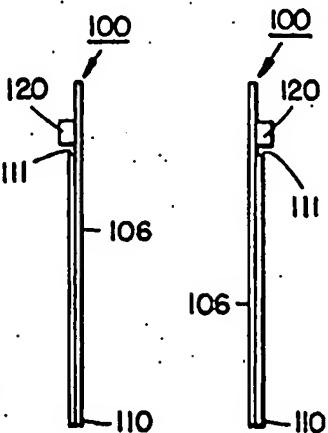


FIG. ID.

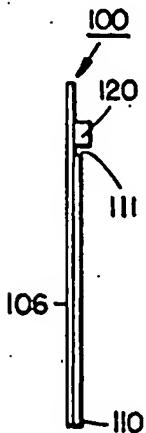


FIG. IC.

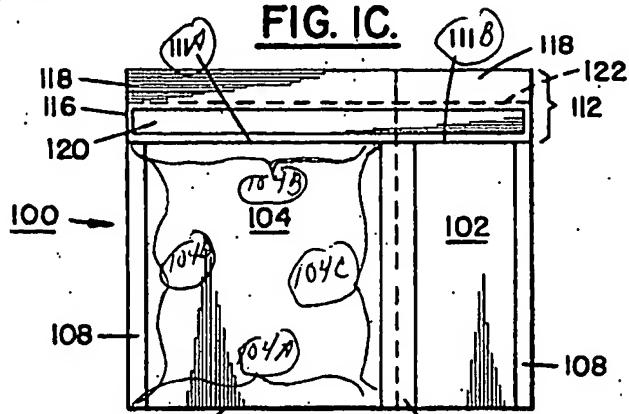
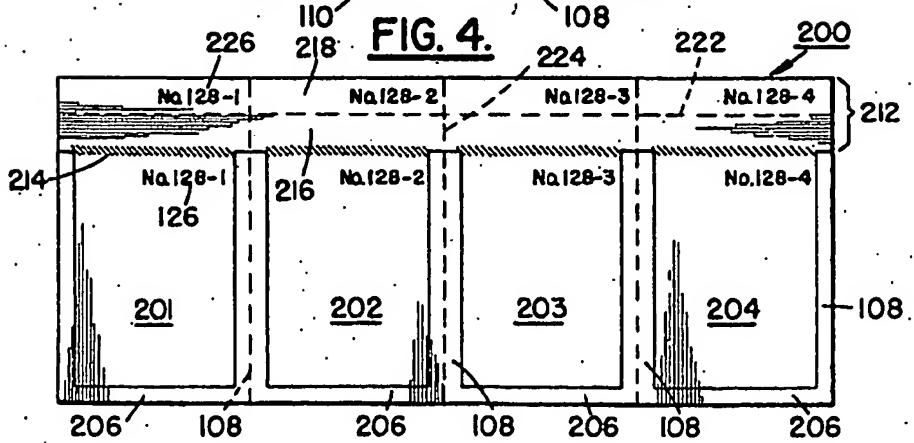


FIG. 4.



Attachment II

U.S. Patent

Sep. 16, 2003

Sheet 1 of 2

US 6,619,843 B2

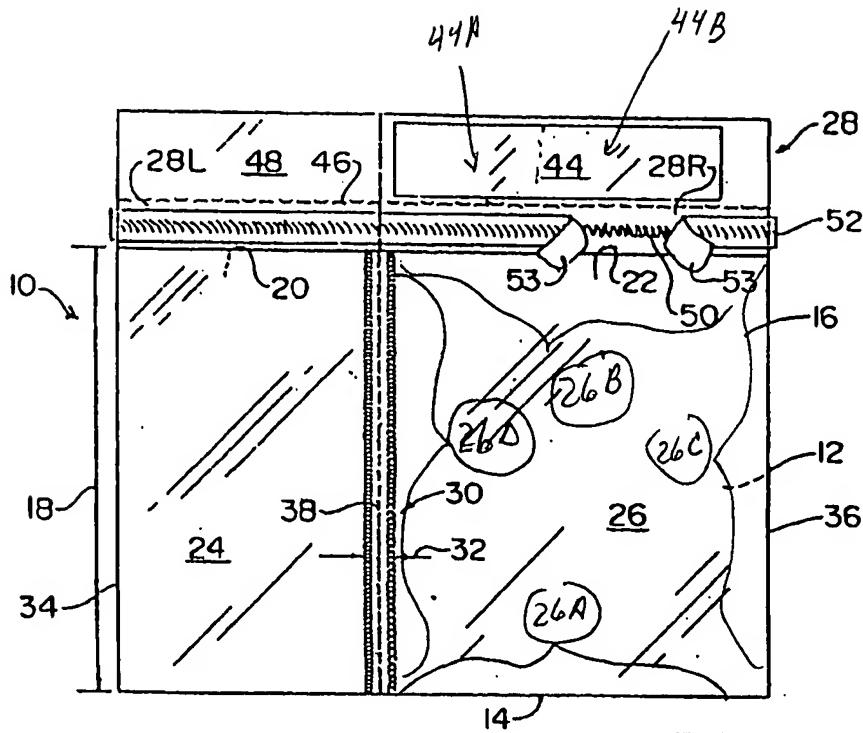


FIG. 1

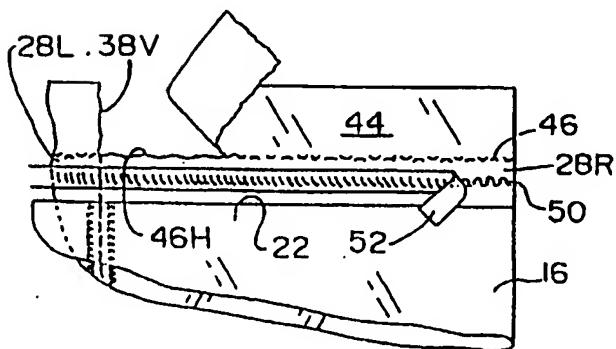


FIG. 2

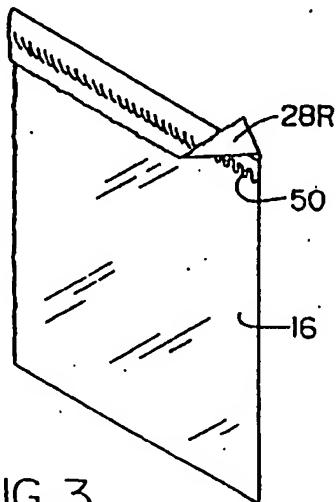


FIG. 3